

REMARKS

This Amendment is filed in response to the Office Action mailed May 5, 2004 having a shortened statutory response period that ending on August 5, 2004. Submitted with this response is a petition for a one month extension of time. This response is filed within the extension period, namely September 5, 2004. The Commissioner is hereby authorized to charge any additional fees to Deposit Account No. 02-1818. Applicants respectfully request reconsideration and allowance of the pending claims in the present application in view of the foregoing amendments and remarks below.

Claims 2, 6-8, 12, 14-15, 17-19, 22-23, 28-31, 36-49, and 51-56 are presently pending in this application. Claims 1, 9-11, 13, 16, 20-21, 24-27, 32-35 and 50 have been canceled.

Claims 1, 16, 24, 25, 36, 38, 39, 40, 41 and 42 were rejected under obviousness-type double patenting as being unpatentable over claims 1, 2, 5, 6, 7, and 13 of U.S. Patent No. 6,659,132 to Smith et al. (*Smith*) in view of U.S. Patent No. 5,988,422 to *Vallot* (*Vallot*). Claims 1, 16, 24, 25 have been canceled. Claims 36 and 38-42 have been amended to depend from claim 17. In view of these amendments, Applicants respectfully submit that the subject matter of the present claims is novel in view of *Smith* and *Vallot* as set forth below. Applicants respectfully request that the double patenting rejection be withdrawn.

Claims 1-9, 12-15, 17-22, 28, 30, 31, 33, 34 and 50 were rejected under 35 U.S.C. §102(a) as being anticipated by *Vallot*. Claims 23, 25, 26, 36, 37, 38, 43 and 44 were rejected under 35 U.S.C. §103(a) as being obvious in view of *Vallot*. Claims 29, 32 and 51 were rejected under 35 U.S.C. §103(a) as being obvious over *Vallot* in view of U.S. Patent No. 5,788,121 to Sasaki et al. (*Sasaki*). Applicants respectfully traverse these rejections as *Vallot* and *Sasaki*, either alone or in combination, fail to teach or suggest the subject matter recited in the present claims.

Vallot does not teach or suggest a flexible container with an end segment having an additional amount of material which permits an end panel to extend beyond the plane defined by the fold line as recited in the present claims. Rather, *Vallot* discloses a container having a parallelepiped shape. *Vallot*, abstract, col. 3 lines 9-11, col. 5 lines 53-65, claims 1 and 12 and FIG. 1. In fact, an objective of *Vallot* is to provide a flexible container that conforms exactly to the bottom and sides of a rigid support container. *Vallot*, col. 5 lines 53-65. *Vallot* is explicit

that the end panels (*i.e.*, bottom wall 2 and top wall 3) of the parallelepiped container are parallel to each other. *Vallot*, col. 3 lines 12-15. Consequently, the skilled artisan would readily recognize that *Vallot's* parallel end panels do not extend beyond the plane defined by the fold line. As *Vallot's* parallelepiped container does not have end panels that extend beyond the plane defined by the fold line, *Vallot* cannot teach or suggest the subject matter recited in the present claims.

Sasaki fails to fulfill the deficiencies of *Vallot*. In particular, *Sasaki* has no disclosure directed to a container having end segments with tapered peripheral edges.

CONCLUSION

For the foregoing reasons, Applicants respectfully submit that the claims are in a condition for allowance and request early notification of the same.

Respectfully submitted,

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